

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

UNITED STATES OF AMERICA	)	
Plaintiff,	)	
	)	
v.	)	CASE NO. DNCW3:03CR208
	)	(Financial Litigation Unit)
KEVIN TRAVIS PORTER,	)	
Defendant,	)	
and	)	
	)	
REGIONAL UTILITY SERVICES, INC.,	)	
Garnishee.	)	

**ORDER OF GARNISHMENT**

**THIS MATTER** is before the Court on the answer of Regional Utility Services, Inc., as the Garnishee. On January 26, 2005 the undersigned sentenced the defendant time served for his conviction of making false or fictitious claims, conspiracy to defraud the United States, making false statements in a health care matter and health care fraud, in violation of 18 U.S.C. § 287, 371, 1035, and 1347, respectively . Amended Judgment in a Criminal Case, filed January 26, 2005. As part of that Judgment, the Defendant was ordered to pay an assessment of \$100.00 and restitution of \$281,054.00 to the victims of the crime. *Id.*

The Government now seeks to garnish the Defendant's earnings from the garnishee. The Answer of the Garnishee provides that Garnishee anticipates additional earnings in the form of new wages (gross pay minus total tax withholdings) in the amount of \$180.00 weekly.

The United States requests that 25% of the Defendant's earnings which remain after all deductions required by law have been withheld and 100% of all 1099 payments be applied to the United States' garnishment, and that the Government's garnishment take immediate effect. *See* 28 U.S.C. § 3205(c)(10).

As a result, the Garnishee must pay over to the federal government any property in which the Defendant has a nonexempt interest. *United States v. Weddell*, 12 F.Supp.2d 999, 1000 (D.S.D. 1998), *aff'd*, 187 F.3d 634 (table), 1999 WL 319323 (8th Cir. 1999).

**IT IS THEREFORE ORDERED** that an Order of Garnishment is hereby **ENTERED** in the amount of \$281,054.00 computed through September 23, 2008, which attaches to any earnings of the Defendant and up to 25% shall be garnished in favor of the United States until the Defendant's restitution debt is paid in full.

Signed: December 2, 2008

A handwritten signature in black ink, appearing to read "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen  
United States District Judge

